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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,515	05/03/2001	Matti Kantola	617-010289-US(PAR)	7554

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PERMAN & GREEN
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FAIRFIELD, CT 06824

EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/12/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

PA

Office Action Summary

Application No.

09/848,515

Applicant(s)

KANTOLA ET AL.

Examiner

MINH D DAO

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "the," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 10, the claim, as amended, recites the limitation "said link" and "said third party" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claims 11-14 are dependent claims of claim 10 therefore are rejected for the same reason set forth above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1,6,7,8,9,15,16,17,18,19 are rejected under 35 U.S.C. 102(e) as being anticipated by Altschul et al. (US 6,144,847).

Regarding claim 1, Altschul teaches a portable communications device comprising communication means for communicating with a another party (See fig. 1; col.3, lines 24-45), and identification means for separately providing information on the device (figs. 1 and 2, item 48, Magnetic Strip), the another party (figs 2 and 3, item 100, Reader Terminal) being arranged to obtain the information from the identification means and to

use the information to establish communication with the communication means (col. 4, lines 47-61; Also see figs. 3 and 4).

Regarding claims 6 and 7, Altschul teaches a portable communications device as claimed in claims 1 and 6 respectively, wherein the magnetic data carrying arrangement comprises a magnetic strip (See figs. 2 and 3, item 48, Magnetic Strip).

Regarding claim 8, Altschul teaches a portable communications device as claimed in claim 1, wherein the information provided by the identification means comprises one or more of the following: Identity of the device; address of the device when the communication means are used; and identity of the user (col. 4, lines 47-51).

Regarding claim 9, Altschul teaches a portable communications device as claimed in claim 1, wherein the another party is one of the following devices: point of sale device; ticket gate device; and information kiosk (col. 4, lines 40-47).

Regarding claim 15, Altschul teaches a portable communications device as claimed in claim 1, wherein the communications device is a mobile telephone (See fig. 1, col. 3, lines 24-45).

Regarding claim 16, the claim has all limitations of claim 1 and an additional limitation that the communication means for communicating with a portable party. It is well known in the art that a conventional credit card reader, as indicated in reference Altschul (col. 4, lines 52-59) should be a portable device. Therefore, claim 16 is rejected for the same reasons set forth above and in claim 1.

Regarding claim 17, the claim has the same limitations of claim 1, therefore is rejected for the same reason set forth in claim 1.

Regarding claim 18, the claim has the same limitations of claim 16, therefore is rejected for the same reason set forth in claim 16.

Regarding claim 19, the claim has the same limitations of claim 15, therefore is rejected for the same reason set forth in claim 15.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altschul (US Patent 6,144,847) in view of McGregor (US Patent 5,625,669).

Regarding claims 2-4, Altschul teaches all limitations of claim 1. However, Altschul fails to teach that the bar code is arranged on the exterior of the communications device (including on the display of the device). McGregor, in an analogous art, teaches a bar code that is arranged on the exterior of a communications device (col. 20, lines 19-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to provide the teaching McGregor to Altschul in order to have various ways of providing identification information.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Altschul (US Patent 6,144,847) in view of Gaucher (US Patent 6,175,860).

Regarding claim 5, Altschul teaches all limitations of claim 1. However, Altschul fails to teach that the identification means comprises a radio frequency tag. Gaucher, in an analogous art, teaches an identification means comprising a radio frequency tag (col. 3, lines 43-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Gaucher to Altschul in order to have various ways of providing identification information.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Theimer et al. (US 5,627,517) discloses Decentralized Tracking And Routing System Wherein Packages Are Associated With Active Tags.

- b. Grabau (US 6,634,560) discloses Radio Frequency Identification Tagging, Encoding/Reading Through A Digitizer Tablet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao
Examiner
Art Unit 2682
February 25, 2004 *md*


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

3/8/04